

REMARKS

Applicant respectfully requests reconsideration of the present application in view of the foregoing amendments and these comments.

Status of Claims

Claims 2-6, 12, and 18 are requested to be cancelled, without prejudice or disclaimer. Claim 1 is amended currently, in essence to provide greater clarity regarding the nature of characterizing deletions.

Upon entry of the present paper, claims 1, 7-11, 13-17, and 19-21 will be pending, with claims 8-11 and 13-17 withdrawn from consideration. Accordingly, claims 1, 7, and 19-21 will be subject to examination on the merits.

Patentability of Claims

Following an advisory action mailed May 13, 2010, Examiner Marvich provided welcome guidance, by way of a July 7th telephone interview, regarding her impressions of the claims then pending, based on applicant's after-final response filed April 28, 2010, the contents of which are incorporated here by reference. (Exhibit A from that response is attached here, too.) In a follow-up Interview Summary dated July 20, 2010, the examiner opined that "the claims do not require a specific deletion and are drawn to any deletion of the E3 region."

This reading of the claims does not comport, however, with applicant's description of the claimed invention, *e.g.*, in paragraphs 0040 and 0043 of US 2005/0176129, the published version. Accordingly, without acquiescing to the examiner's interpretation in this regard, applicant has revised claim 1 in order to recite more clearly the specific deletions that characterize the claimed embodiment of applicant's invention.

Applicant's April 28th response emphasized that these specific deletions were not suggested by the art of record, a fact that Examiner Marvich seems to acknowledge. As stated previously, one of ordinary skill would not have been motivated to limit, in the manner presently recited, the range of deletion in the E3 region. Moreover, the significance of the recited limit may be appreciated, *a posteriori*, in light of accompanying research articles by Gen-Qi Liu *et al.*, *J. Virology* 53: 920-25 (1985), and Gallie *et al.*, *The Plant Cell* 1: 301-11 (1989), which respectively detail the important role of protein VIII in virion structural stability and the fact that

the poly(A) tail stabilized mRNA. Informed of these disclosures, one can understand that an adenovirus 35 vector of applicant's claimed invention can possess the stability highlighted in the April 28th response.

CONCLUSION

In light of the foregoing, applicant submits that that this application is in condition for allowance, and an early indication to this effect is requested. Examiner Marvich is invited to contact the undersigned directly, should she feel that any issue warrants further consideration.

The Commissioner is hereby authorized to charge any additional fees, which may be required under 37 C.F.R. §§ 1.16-1.17, and to credit any overpayment to Deposit Account No. 19-0741. Should no proper payment accompany this paper, then the Commissioner is authorized to charge the unpaid amount to the same deposit account. If any extension is needed for timely acceptance of submitted papers, then applicant hereby petitions for such extension under 37 C.F.R. §1.136 and authorizes payment of the relevant fee(s) from the deposit account.

Respectfully submitted,

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By



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